

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PROFILE INDUSTRIES, INC.,

Plaintiff,

-v-

CP "KAHNA," her engines, boilers, etc., and
TROY CONTAINER LINE LTD.,

Defendants.

TROY CONTAINER LINE LTD.,

Third Party Plaintiff,

-v-

WSA LINES (DELHI) PVT. LTD and
CP SHIPS (UK) LIMITED AND
HAPAG-LLOYD,

Third Party Defendants.

GERARD E. LYNCH, District Judge:

This action having been commenced on February 22, 2007, by the filing of the complaint by the plaintiff; and

The defendant/third party plaintiff Troy Container Line Ltd. ("Troy") having answered the complaint and filed its own third party complaint against the third party defendants on April 18, 2007; and

The third party defendant WSA Lines (Delhi) Pvt. Ltd. ("WSA Lines") having been personally served with the summons and third party complaint on June 6, 2007 (McDonald Aff. in Support of Default Judgment (Against WSA Lines) ¶ 3); and

The third party defendant CP Ships (UK) Limited and Hapag-Lloyd ("CP Ships") having been personally served with the summons and third party complaint on August 23, 2007

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: <u>11/3/08</u>

07 Civ. 1314 (GEL)

DEFAULT JUDGMENT

(McDonald Aff. in Support of Default Judgment (Against CP Ships) ¶ 3; McDonald Aff. in Support of Application for Fees (Against CP Ships) ¶ 4); and

The affidavits of service on the third party defendants having been filed with the Court on October 22, 2007; and

The third party defendants not having answered Troy's third party complaint, and the time for answering the third party complaint having expired; and

Troy having moved for a default judgment against the third party defendants; and

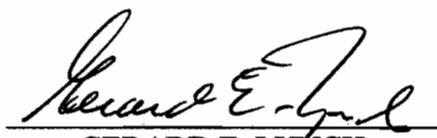
Troy having demonstrated that it incurred attorneys' fees in the amount of \$1,260, and costs in the amount of \$108.91, in effecting service on third party defendant CP Ships after CP Ships failed to comply with Troy's request to waive service of summons (McDonald Aff. in Support of Application for Fees (Against CP Ships) ¶¶ 12-14); and

Troy having moved to recover a total amount of \$1,368.91 in attorneys' fees and costs from CP Ships (id. ¶ 14); and

The Court having found that the Troy is entitled to judgment against the third party defendants, it is ORDERED, ADJUDGED AND DECREED that Troy shall have judgment jointly and severally against the third party defendants for \$15,000, the amount prayed for in plaintiff's complaint. Should plaintiff settle its claims against Troy for an amount less than \$15,000, the parties shall advise the Court of such settlement and the judgment against third party defendants shall be accordingly reduced. In addition, Troy shall have judgment against CP Ships for \$1,368.91 in attorneys' fees and costs. See Fed. R. Civ. P. 4(d)(2), (d)(5).

SO ORDERED:

Dated: New York, New York
 January 14, 2008


GERARD E. LYNCH
United States District Judge